

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed December 13, 2005. At the time of the Office Action, Claims 1-30 were pending in the Application. Applicant amends Claims 1, 6, 11, 15, 16, 19, 22, 24, and 27 and cancels Claims 3, 4, 8, 9, 14, 18, and 26 without prejudice or disclaimer. The amendments and cancellations to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

In the Drawings

The Examiner objects to FIGURE 1 because it should be designated by a legend such as --Prior Art-- because that which is old is illustrated. Applicant has amended FIGURE 1 to provide this indication and thereby resolved the Examiner's concern and is in full compliance with 37 C.F.R. §1.121(d). Additionally, FIGURE 1 has been labeled "Replacement Sheet" so as not to obstruct any portion of the drawing and is in compliance with 37 C.F.R. §1.84(c). Applicant notes, however, that FIGURE 1 is used merely as a platform for describing certain novel features of the invention, and Applicant's amendment in no way constitutes an acquiescence or admission that the accompanying description also is limited to that which is old.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that the subject matter of Claims 5, 18, 20-23, 26, 28, and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (See Pending Office Action, page 8.) Applicant has incorporated the novel limitations of dependent Claim 18 into Independent Claims 1, 6, 11, 16, and 24. Thus, all the claims now recite subject matter deemed by the Examiner to be allowable.

Section 112 Rejection

The Examiner rejects Claim 27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has amended Claim 27 in order to resolve the Examiner's concerns.

Section 102 Rejection

The Examiner rejects Claims 1-3 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0129971 issued to Gopikanth (hereinafter "*Gopikanth*"). This rejection is now moot in light of the amendments to the claims, as indicated above. Accordingly, all of the pending claims are allowable, as they recite subject matter deemed allowable by the Examiner. Written notice to this effect is respectfully requested.

Section 103 Rejections

The Examiner rejects Claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Gopikanth* in view of U.S. Publication No. 2001/0046220 issued to Koo et al. (hereinafter "*Koo*"). The Examiner rejects Claims 6-8, 10-13, 16-17, 19, 24-25, and 29 under 35 U.S.C. §103(a) as being unpatentable over *Gopikanth* in view of U.S. Patent No. 6,775,268 issued to Wang et al. (hereinafter "*Wang*"). These rejections are now moot in light of the amendments to the claims, as indicated above. Accordingly, all of the pending claims are allowable, as they recite subject matter deemed allowable by the Examiner. Written notice to this effect is respectfully requested.

Note that any amendments in this response that implicate the deemed "allowable subject matter" should not be construed as an agreement with or an acquiescence to the propriety of the purported allowable subject matter. Applicant earnestly believes all of the pending claims are allowable in their original form. Applicant reserves the right to comment on the appropriateness of the allowed subject matter designation at a future time, should Applicant deem it appropriate to do so.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,  
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